

CITY OF APOPKA

Minutes of the City Council regular meeting held on June 16, 2021 at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
Commissioner Diane Velazquez
City Administrator Edward Bass
City Attorney Michael Rodriguez, via Zoom

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Bankson provided the Invocation and led in the Pledge of Allegiance. He then read the Fact of the Day as follows: When the American Revolution broke out in 1775, the colonists weren't fighting united under a single flag. Instead, most regiments participating in the war for independence against the British fought under their own flags. On June 14, 1777, the Continental Congress passed a resolution designating the flag of the United States to have 13 strips alternating red and white with the union having 13 stars. In 1916, President Woodrow Wilson marked the anniversary of that decree by officially establishing June 14 as Flag Day.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of June 2, 2021.

Mayor Nelson asked if anyone had any questions about the minutes. Hearing none, he asked for a motion to approve the meeting minutes of June 2, 2021.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the meeting minutes of June 2, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

AGENDA REVIEW

Edward Bass, City Administrator advised that there are no changes to the Agenda other than Consent Item #5. He said Staff would like to pull that item and hear that separately.

PUBLIC COMMENT PERIOD

There was no Public Comment.

CONSENT (Action Item)

1. Approve the re-appointment of James Greene, Linda Laurendeau and Benjamin Stanley to the Planning Commission.
2. Execute Release of Code Enforcement Lien - SSS 23, LLC - 828 Georgia Ave., Apopka, Florida
3. Approve the City Contract for Purchase and Sale of property located at Sandpiper and Park, and authorize Mayor to execute the City Contract for Purchase and Sale.
4. Approve the quote for services for the City of Apopka Comprehensive Plan Rewrite by the East Central Florida Regional Planning Council.
5. Authorize the disposal of capital surplus equipment.
6. Authorize the execution of piggyback contracts for fiscal year 2021.
7. Accept the disbursement report for May 2021.
8. Accept the Six-Month Budget to Actual Report; ending March 31, 2021.

Mayor Nelson asked if anyone had any questions or needed to pull any of the other items from the Consent Agenda. Hearing none, he asked for a motion to approve all of the Consent Agenda items with the exception of Item #5, which is to authorize the disposal of capital surplus equipment. As noted, in the Agenda review, Item #5 will be heard separately.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve all of the Consent Agenda items with the exception of Item #5, which will be heard separately. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

Edward said that staff had requested that this item be voted on separately. He said in your packet, you'll find a list of surplus property in your packet that we're asking to be sold, transferred or disposed of. He said there's a 2013 Ford Explorer on the list, and the Fleet Division has asked that we keep as they feel they can repurpose this vehicle as there may be some use the Police Department can get out of it. He said staff recommends approval of Item #5 with the removal of the 2013 Ford Explorer.

Mayor Nelson asked if anyone had any questions about this item. Hearing none, he asked for a motion to approve Item #5, with the removal of the 2013 Ford Explorer from the surplus list.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to Item #5, with the removal of the 2013 Ford Explorer from the surplus list. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan - Binion Road Multi-Family

Owner: Chester S. Peckett Trust

Applicant: Brent A. Lenzen, P.E., Kimley Horn and Associates, Inc.

Location: 1951 S. Binion Road

Number of Units: 180 MF units

Tract Size: 12.73 +/- acres

Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is requesting approval of a Major Development Plan for a Multi-Family complex, comprising of 180 dwelling units. He explained that the subject property consists of approximately 12.73 acres and is located at the NE intersection of Harmon Road and S. Binion Road. He said the surrounding uses include S.R. 429; Vistas at Waters Edge Subdivision and the Alta East Shore Apartment site with 2 Commercial treks along Harmon Road. The proposed access will be off of Harmon Road with an emergency access point off of S. Binion Road and the applicant has provided sidewalks along S. Binion Road and Harmon Road. He said 15.48 % of the site is reserved for open space, while the LDC requires a minimum of 10% open space for residential uses in the Mixed-Use East Shore Gateway zoning. He said the proposed open space and amenities include a dog park, tree preservation area and a pool and clubhouse. He said the applicant has provided perimeter landscaping around the site and foundation landscaping for building facades that face parking areas and said the architectural elevations are included in your packets.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for the Binion Road Multi-Family.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the Major Development Plan for the Binion Road Multi-Family. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Award a change order to the Providence Construction & Development Company for the West Reuse Storage Facility Reservoir Geomembrane Project (ITB 2021-01).

Presented by: Naret Teran

Naret Teran, Senior Engineer, said the request is to award a change order to Providence Construction for additional work, consistent with the scope of work in the contract. He explained that this is essentially an expansion to the West of the existing construction limits. He reviewed the highlights and said the staff report includes the supporting information and details. He said this project is essentially 12 years old and said that that 100 acres was given to the City for the purpose of building a storage facility and failure to do so will result in full payment of property value, plus interest. He

stated that we have a deadline for the storage space as well as having a fully functional operational facility. Therefore, in the interest of time, staff recommends approval of the change order be awarded to Providence. He said the current contract is for Phase II which is 2 million square feet of the geomembrane and associated pipework. He said a change order has been issued and this is for logistical reasons as there is additional earthwork needed and it makes sense to do this now before moving on to the next phase.

Mayor Nelson asked with the few rains that we've had, is the big pond holding any water to which Naret stated that there's approximately 1 foot of water. He recommended anyone that hasn't been out there to see this, should go take a look and said it's incredible.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to approve the change order to the Providence Construction & Development Company for the West Reuse Storage Facility Reservoir Geomembrane Project (ITB 2021-01).

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve the change order to the Providence Construction & Development Company for the West Reuse Storage Facility Reservoir Geomembrane Project (ITB 2021-01). Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Approve the engagement of Gray Robinson, P.A. to provide governmental consulting services as it relates to the American Rescue Plan Act.
Presented by: Edward Bass

Edward Bass, City Administrator said this item is a governmental consulting services agreement and said if you recall at the last Council meeting, the Mayor spoke about bringing on board some expertise to help us with the American Rescue Plan Act monies. He said there are a lot of documents out there on the Federal and State levels as well as a lot of complexities in applying for this money. He explained that this is the agreement with Gray Robinson will allow them to assist us at the Federal and State levels with our CIP and Capital Project listing. He said we'll be able to provide them this list and have them guide us to some of those dollars and apply accordingly. He said this is a three (3) month agreement and includes a cost of \$3,000 for the State side and \$3,000 for the Federal side for a total cost is \$6,000 per month for three months and at that point, we can reevaluate.

Commissioner Becker asked to clarify is these are applied for or if we get the monies and they guide us in how to use them.

Edward said the \$7 million-dollar pot of money has already been allocated for us and we're working out the details on that but this will identify and go after some of the other funds that are available.

Commissioner Velazquez asked where that money is sitting now to which Edward said the monies are in multiple places.

Mayor Nelson said for instance, if they get the infrastructure package in the next couple of months, we'll keep them on for a couple more months at the Federal level to see what's out there that we can go after as well for projects like water; wastewater and roads, etc.

Commissioner Smith asked if we're guaranteed to get any of this funding by having them help us.

Edward said we can't guarantee but there is a better chance of us getting the funding with their help as they have the expertise in the State and Federal level. He said it's a really complicated process.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to approve the engagement of Gray Robinson, P.A. to provide governmental consulting services as it relates to the American Rescue Plan Act.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith, to approve the engagement of Gray Robinson, P.A. to provide governmental consulting services as it relates to the American Rescue Plan Act. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

4. Direct staff to make an offer to the YMCA for purchase of the Camp Wewa property and facilities.
Presented by: Edward Bass

Edward Bass said that on March 3, 2021, the City Council made an offer to the YMCA of \$4.2 million dollars based upon the lowest appraised value we received from Integra at that time. He said based upon the information that we received at the last Council meeting, after their survey was done, there was a change in some of the useable property resulting in an appraised value which was at that time, \$4.7 million dollars. He said we sent this information off to Integra who did our original appraisal and they came back with a revised appraisal with the updated useable land and that appraisal came back at \$4.7 million dollars. He said this is the amount of the offer that we want to make to them and if you agree, we will begin to have the contracts drawn up and bring them back to you so you have them for your review.

Commissioner Velazquez asked Edward to review the background of how we're paying for Camp Wewa.

Edward said that you may recall at the meeting in March, we discussed the different sources that we have available that we can use. He said one of the items was the Sandpiper sale, which is on the agenda tonight and includes \$1.3 million as well as the Airport sale of about \$475,000. He said you

may also recall, we agreed to use \$1 million of our impact fees that are available in that fund currently, which were earmarked at that time. He said in addition, we applied for the grant in the amount of \$1 million and anticipate receiving that award. He said we also have the Duke Energy monies and said if you recall, we left \$1,185,000 that was not earmarked during that appropriation. He said this gets us between \$4.7 and \$4.9 million and said granted, we may have to use some reserves until we receive the grant funds.

Commissioner Becker said that if they accept the offer, the contracts will come back to us for approval. He said that the lands off Harmon Road were potential funding sources so right now, you feel confident that the funding sources that you just described, can get us pretty close to the offer price.

Edward said yes, he feels confident with those sources that we won't need to use the Harmon Road parcels to make this work. He said we're starting to build the budget now and if the Council decides to purchase this parcel, he said the budget will be built for that and we're planning for both. He said you'll see the additional funding broken down as a separate cost center.

Commissioner Bankson said he was very enthusiastic and said the entrepreneurial side of his brain sees the opportunity and the value. He said his challenge is that the valuation is increasing and said when you look at the 100-year flood plain, he doesn't agree with them increasing the valuation. He said before, it was already at the top of his comfort zone and said he's thought this through and there are many different things that don't sit well with him and said he has to go with what he feels and said we're still walking out the Covid residual effects and said there are several other needs that we can put money toward. He said he doesn't want to see more housing but also doesn't want to be the one to say we need to sell the property if it doesn't become solvent over the 5-year plan. He said for those reasons, he has to pull back on this.

Commissioner Becker said he appreciates Commissioner Bankson's comments and said the way he views this is that there are a lot of municipalities across the State that are trying to pull together resources to buy conservation lands or environmentally protected areas. He said for a situation like this to present itself, we have to make sure that it's solvent as this is a win-win situation. He said we buy land that we can conserve while at the same time, having a camp that no other municipality has is a differentiation point for us. In addition, it provides an opportunity for us to break even on the use of the land while still holding the asset. He said he can get there but he wants to make sure that after the contract, we do have a solvent piece of property.

Mayor Nelson said that Parks and Rec has never been a money maker, nor will it ever be a money maker so we have to look at the piece of property that if we get Camp Wewa, that we're going to get rid of so the 23 acres that would've been baseball and soccer fields and dog parks. He said he understands what you're saying but this is a different type of park and not meant to make money. He said this is about what this asset this would create for the City.

Jeff Earnshaw, 1156 Eagle Point Drive, St. Augustine, FL said that he started the group Friends of Wewa-Save Camp Wewa once the news became public that the YMCA was going to sell Camp Wewa. He said it started as a group of us that have stayed connected over the years and the group has grown to 830+ members. He said his connection to Camp Wewa was that he started as a Camp Counselor in 1993, went back for 8 years and the last couple of years, was a Camp Director out there. He said part of this group is made up of 9 former Camp Directors going back to the 80's and said some of those went on to be YMCA CEO's of different YMCA's across the County. He said this group that's committed and came together to try to preserve the Camp. He said he missed the March 3rd meeting but part of the reason he wanted to come tonight was to thank Mayor Nelson and City Staff and said he knows it's been a herculean effort to jump on this opportunity. He said he thanks God that you all saw the value and opportunity in this and jumped in. He said our number 1 goal is to preserve the natural area that is Camp Wewa and said it's a very special place. He said it's beautiful and there is a ton of opportunity out there, merely as a park with things to do. He said he appreciates the City and the YMCA coming together in an effort to make this work.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to direct staff to make an offer to the YMCA for the purchase of the Camp Wewa property and facilities.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to direct staff to make an offer to the YMCA for the purchase of the Camp Wewa property and facilities. Motion carried 4-1 with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye and Commissioner Bankson voting nay.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2840 – Second Reading - Floridian Town Center - Change of Zoning and approval of PD Master Plan
From: Transitional (T)
To: Planned Development (PD)
Owner: Collier Benge Land Joint Venture LLC
Applicant: Andrew McCowan, GAI Consultants, Inc
Location: North of West Orange Blossom Trail and west of S.R. 429
Project: 73.93 +/- acres
Project Manager: Phil Martinez

Phil Martinez stated that Staff and the Applicant are requesting that this item be postponed to a date certain of July 21, 2021 to allow more time to draft the Development Agreements associated with this item.

Mayor Nelson asked if anyone had any questions for Phil or if anyone from the public wished to

speak on this item. Hearing none, he asked for a motion to postpone this item to a date certain of July 21, 2021 to allow additional time to draft the Development Agreements associated with this item.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to postpone this item to a date certain of July 21, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Resolution 2021-30 - Authorizing the City to join the Florida Memorandum of Understanding regarding potential opioid settlement proceeds.

Michael Rodriguez, City Attorney said that Resolution 2021-30 is a model resolution, drafted by the Florida Attorney General's office. He said the Florida Attorney General's office has asked all local governments that are participating in the Opioid Class Action lawsuit, to pass a Resolution, authorizing their local governments Memorandum of Understanding. He said what the MOU does is create a framework and a procedure for the local governments to participate in any of the financial awards that are awarded as part of the Class Action settlement in regards to the State and the other local governments joined lawsuits against the Opioid manufacturers. He said at this time, the State does not have a potential amount of money that will be divided up between the local governments that are a part of the lawsuits, rather, this MOU establishes the framework for allocating the settlement funds and creating the basis for what those funds can be used for.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-30.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2021-30. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson said he appreciates that the City jumped on and is working with negotiating to try and minimize the strong garlic odor and asked if we've heard anything additional.

Edward said he and Bobby went there and said there is no production there and said it's just a storage facility and said it's all airtight and everything is shrink wrapped and in boxes and containers. He said it's just strong garlic. He said there's not a lot they can do about the odor. He said we've discussed our concerns and asked if they can do something different with their fans, and said they're trying to control this.

He also said thank you for covering up the graffiti, to which Edward said Code Enforcement is working hard on this.

Commissioner Smith said thank you for the beautiful Palm Trees that have been installed along Central Avenue.

Commissioner Becker said he would like to wish his daughter, Emily, who may be watching, a Happy 10th Birthday today and said although he couldn't make dinner tonight but said Happy Birthday, Emily!!

CITY ADMINISTRATOR REPORT

1. Ratification of Joseph Patton - New Human Resources Director

Edward said that he has a couple of things but will start with the best news he can bring. He said we went through the interview process for HR Director and said we found what we believe to be a perfect fit for us here at the City of Apopka. He said his name is Joseph Patton and you received a copy of his resume in your packets. He you can see by his resume that he has a lot of experience and qualifications so we're excited to have him here. He said Joe just drove in tonight and is here to answer any questions you may have.

Joe Patton, HR Director, said thank you very much for having me here and said we literally just drove in from Montana. He provided a brief summary of his experience and said that his administrative experience in HR started in the Marine Corps, where he started as an infantry man and said he was in the field in 29 Palms, in the middle of the desert, 120 degrees, and said a sergeant came out and said "who can type" and said out of those who raised their hands, he was the only one that could actually type. He said he went back and thanked his typing teacher. He said at that point, he became a legal clerk and was sent back in to the field to process disciplinary actions. He said from there, he became an Administrator Chief or Personnel Chief, which is Human Resources in the Military. He said he got out in 1992 and went to work in the School System in St. Augustine and was there for about 14 years, while still being enlisted in the Reserves. He said he did a lot of generalist duties including: Payroll, Retirement, Health Insurance, etc. He said then, he went to Palm Beach County School District, which is rather large and was one of 4 HR area managers. He said he was the manager for the North Eastern portion of Palm Beach County School District. He said the District has approximately 22,000 employees, which was a challenge. He said he gained a lot of experience there. He said in 2008, he took a position with the Department of Economic Opportunity, which was located here and said he lived in Apopka for 9 years, raised 2 step-kids here that graduated from Apopka High School. He said he was the area manager with Career Source Central Florida for the DEO and was a State employee and was the area HR Manager for the 5 County area. He said from there, they downsized that position. He said then took a position in the School District, outside of Billings, Montana and became the first ever HR Director for that

organization. He said it was a great experience and although it was a small, they had a lot of the same issues as a large School District. He said as soon as he accepted the job, his wife had her bags packed. He said he's finishing up his Ph D in Human Resources with Capella University.

Commissioner Velazquez asked what his research was on to which Joe responded it was on the Study of Mentorship and hopes to complete this work in the Spring. She said we welcome you.

Commissioner Bankson said thank you for your Service and said being in the Marine Corps has prepared you for Apopka HR. He said your background is very impressive and said welcome home to Apopka.

Commissioner Smith said welcome and thanked him for his service. He said more than welcome home to Apopka, you won me over when you said you had 2 kids that graduated from Apopka High School.

Commissioner Becker said we had a chance to connect this afternoon and said we had a nice conversation. He said it's good to understand your approach to the job and said it sounds like you're very hands on and process oriented and said he feels that is what's really required. He said it's been a while since we've had a formal HR Director. He said he appreciates the conversation and wished him the best.

Mayor Nelson asked for a motion to approve and ratify Joseph Patton as the new HR Director.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve and ratify Joseph Patton as the new HR Director. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

Edward said he had a couple of other items including a quick update on Sheeler Oaks flooding issue and said we met with the contractor today and there should be movement next week. He said they'll do this in a few phases. He said the contractor has 5 inlets and will install those while they order the 9 others. He said we've reached out to the homeowners there and will keep them up to date.

He said when we had the change to the Ordinance to the Municipal Service Tax when we had the cap and had to make a change based upon the Florida Statutes, he said Duke Energy has sent out notices to some of the customers that "could" be affected but it doesn't mean you "will" be affected. He said we fielded some calls and Duke has their Customer Service information line open to address these individuals calls. He said the tax is not calculated on everything on the bill so from a residential standpoint, the threshold is at \$350-\$400 and is not a big amount. He said the commercial customers may notice it more.

CITY ATTORNEY'S REPORT

No report

MAYOR'S REPORT

Mayor Nelson provided an update on local Covid Vaccinations and said we had a call a week ago from Winn Dixie and they were going to do a "Day in the Park" Vaccination event. He said then, we saw on the news, there were millions of Johnson & Johnson vaccinations getting ready to go bad but before we could get it worked out, we found out they had already expired. He said we had the potential for two events but ended up with zero.

Mayor Nelson provided a brief Rock Springs Ridge Update and said he's supposed to be meeting with the interested parties in the next 10 days with the HOA & their Attorney; Chad Barton and his Attorney, Michael Rodriguez, Edward Bass and myself to try and get a final agreement together.

Mayor Nelson said he spilled the beans about Lowe's being a big help with getting the Camp up to speed regarding the Camp Wewa renovations. He said he's going to look into a commitment with Bass Pro or REI to see if we can get some supplies for the camps including sleeping bags, air mattresses, water bottles. He said if we had REI, they may be able to help with the ropes course as it's a highly specialized area.

Mayor Nelson said he received a copy of the MetroPlan Studies (Rock Springs Road and West Orange Trail Extension) which is a nice brochure.

Mayor Nelson said on Friday, we will have Senator Brodeur, and Representative Truenow, the two sponsors of the Septic to Sewer legislation from last year be coming to the Wekiva Glen site at 12:30 p.m. to tour the site to see how the Distributed Wastewater project is working. He said the numbers look great and this is a good project and will be good to show them so that we can request additional money in the future to fund additional systems.

ADJOURNMENT - There being no further business the meeting adjourned at 8:41 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk